

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Equal Employment Opportunity Commission,

Miscellaneous No. 11-0019 (JNE/JJG)

Plaintiff,

v.

**ORDER ON REPORT AND
RECOMMENDATION**

BNSF Railway Company,

Defendant.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that the EEOC's Application for Order to Show Cause Why a Subpoena Should Not be Enforced (Doc. No. 1) is **GRANTED IN PART** and **DENIED IN PART**. The subpoena shall be enforced to the extent that it requests names and medical information for all job applicants nationwide who were not hired as track laborers between January 1, 2007 and April 30, 2010.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: 6-8-2011

s/ Joan N. Ericksen

JOAN N. ERICKSEN

United States District Judge